

United States Senate

WASHINGTON, DC 20510

June 10, 2020

The Honorable Peter T. Gaynor
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Dear Administrator Gaynor,

We write to request information on deliveries of personal protective equipment (PPE) to nursing homes by the Federal Emergency Management Agency (FEMA) during the COVID-19 pandemic. Since the beginning of the COVID-19 pandemic, nursing homes have experienced critical shortages of PPE, putting residents and workers alike at risk. Nursing homes have been disproportionately impacted by the pandemic in the U.S. Although nursing home residents and workers constitute far less than one percent of the country's population, more than 40 percent of COVID-19 deaths have been residents and staff of nursing homes and other long-term care facilities.¹

On April 30, FEMA announced that it would be coordinating “two shipments totaling a 14-day supply of personal protective equipment (PPE) to more than 15,400 Medicare and Medicaid-certified nursing homes across the Nation.”² FEMA stated that the first shipments of PPE, which began in early May, were to go to “areas with prioritized hotspots” before being distributed more broadly. However, FEMA or its partners had still not shipped some of the first round of supplies as of the beginning of June. FEMA also planned to send the second shipments at the start of this month, but we are unsure of the status of these shipments.³

We have concerns about the process used to allocate and distribute these critical materials, as well as the notable lack of N95 respirators in these shipments. Based on analysis of the limited data available on FEMA's shipments, it appears that a number of facilities were omitted from the initial delivery list. Additionally, although FEMA has reported that each facility will receive an allotment “based on the medical staff size of the facility,”⁴ preliminary analysis shows discrepancies in this metric, where facilities with the same number of medical staff received differing amounts of PPE. We are also concerned that these shipments do not contain protective equipment essential to caring for COVID-19 positive patients. While facilities will receive gloves, surgical masks, gowns, and eye protection, they will not receive N95 respirators, which are critical to preventing the spread of COVID-19 and keeping health care workers safe. Finally, FEMA did not have adequate information to target supplies to facilities that need them most.

¹ *Coronavirus in the U.S.: Latest Map and Case Count*, The New York Times (June 10, 2020) (<https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>).

² FEMA: *Personal Protective Equipment for Medicare and Medicaid Nursing Homes* (Apr. 30, 2020).

³ FEMA: *Coronavirus Pandemic Response: PPE Packages for Nursing Homes* (May 2, 2020).

⁴ *Id.*

Although the Centers for Medicare and Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC) now require nursing homes to report the incidence of COVID-19 cases and deaths, as well their supply of PPE,⁵ the shipment of PPE to nursing homes began before data was collected by CMS and CDC, and it is unclear on how FEMA will use this data for supply allocation, if at all. This means that this vital information was not used to determine where and when to send supplies.

Due to these and other concerns, we ask that you provide the following information as soon as possible, but no later than June 24, 2020, to ensure that nursing homes, their residents and their workers are properly supported in this critical time:

1. Please provide the list of nursing homes that have received and will receive PPE shipments from FEMA, including the amounts of PPE that each facility will receive and the number of workers that the shipment will serve. Please describe any alterations that have been made to this list and provide the dates of and basis for those changes.
2. Please provide FEMA's rationale, in detail, for providing two seven-day allotments to facilities as opposed to another time frame or time frames specific to individual facility needs and risks.
 - a. How did FEMA determine what constituted a two week supply of PPE for a given facility? What guidelines for PPE utilization were used to calculate this amount? Please explain this determination for each type of PPE.
3. How did FEMA compile the list of nursing homes that would receive deliveries of PPE under the aforementioned program?
 - a. Please explain, in detail, whether FEMA has identified any errors in the originally compiled list, what those discrepancies were, and what FEMA has done to correct them.
 - b. How will FEMA ensure that all eligible nursing homes receive a full 14-day supply of PPE?
4. Why did FEMA decide not to include N95 respirators in the shipments of supplies to nursing homes?
 - a. Is FEMA considering including N95 respirators in their second shipment of supplies allocated for nursing homes?
5. How did FEMA determine the priority for which facilities would receive the first shipments of PPE in the first allocation?
 - a. Please describe, in detail, each factor and its relative weight considered in determining the "prioritized hotspots" that received the first shipments of PPE.
 - b. Within each "prioritized hotspot," how did FEMA determine which specific facilities received PPE first?

⁵ CMS: *Trump Administration Announces New Nursing Homes COVID-19 Transparency Effort* (Apr. 19, 2020).

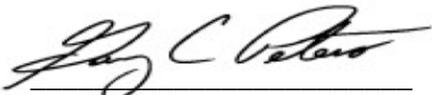
6. How did FEMA determine the priority for which facilities would receive shipments of PPE in the second allocation?
 - a. What changes were made in the distribution methodology between the first and second allocations?
 - b. To what extent did FEMA rely on the information on the incidence of COVID-19 in nursing homes compiled by CMS and CDC?

7. Please explain why some facilities with equal numbers of medical staff received different amounts of PPE.
 - a. Did FEMA factor in any metric measuring risk of COVID-19 spread, such as confirmed presence of COVID-19 in the facility or community, when determining allocations of PPE for each facility?
 - b. Did FEMA consider any other factors when determining allocations of PPE for each facility?

8. What other efforts is FEMA leading to provide PPE directly to nursing homes?
 - a. Does FEMA have plans to continue delivering PPE to nursing homes once the initial two-week supply shipments are complete? If so, please provide details of that plan.

Thank you for your timely response, and we look forward to working with you on this issue moving forward.

Sincerely,



Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs



Robert P. Casey, Jr.
Ranking Member
Special Committee on Aging



Ron Wyden
Ranking Member
Committee on Finance